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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

GABRIEL SANTACRUZ,

Plaintiff,

v.

CHARLES DANIELS, *et.al.*,

Defendants

Case No. 2:23-cv-00258-APG-BNW

**STIPULATION AND ORDER TO
EXTEND THE RESPONSIVE
PLEADING DEADLINE IN THE
SCHEDULING ORDER
ECF NO. 98
(THIRD REQUEST)**

Defendants, Dr. Terence Agustin, Dr. Henry Landsman, Betty Omandac, Symour Omandac, Dr. Francisco Sanchez, and Dr. Kenneth Williams, by and through counsel, Aaron D. Ford, Nevada Attorney General, and Leo T. Hendges, Senior Deputy Attorney General, of the State of Nevada, Office of the Attorney General, and Plaintiff, Gabriel Santacruz (Santacruz), by and through counsel, Rene L. Valladares, Federal Public Defender, Ryan Norwood, Assistant Federal Public Defender, and Christopher P. Frey, Assistant Federal Public Defender, hereby stipulate and agree to a 30-day extension of the Responsive Pleading deadline in the Scheduling Order, which is currently set to expire on June 9, 2025. ECF No. 98 at 4:14-15. This is the parties' third request to extend the Responsive Pleading deadline for this case. The parties believe there is good cause for this Court to grant an extension of the Responsive Pleading deadline. LR IA 6-1; LR 26-3.

1 **I. BACKGROUND**

2 This Court entered an order on February 16, 2025, granting in part the Defendants'
3 motion to dismiss Santacruz's second amended complaint. ECF No. 89. Following entry of
4 this order, the parties were required to submit a proposed discovery plan and scheduling
5 order by March 5, 2025. ECF No. 90. That discovery plan and scheduling order was entered
6 by this Court on March 6, 2025, setting a deadline for the submission of a Third Amended
7 Complaint (TAC), as well as a responsive pleading. ECF No. 93 at 3:5-7. Santacruz filed
8 his TAC on March 20, 2025, pursuant to that order. ECF No. 94.

9 A first extension of the responsive pleading deadline was entered on April 10, 2025,
10 extending the deadline to May 9, 2025. ECF No. 96. This extension was requested and
11 granted because the parties have been discussing potential settlement options. *Id.*
12 at 3:11-19. The second request was sought and granted because Santacruz had to be moved
13 to Ely State Prison on April 23, 2025, which caused some delays in the settlement
14 negotiations. ECF No. 98. This third request for a 30-day extension is sought because the
15 parties continue to work through potential settlement options, however this process was
16 delayed due to the unforeseen transfer.

17 **II. LEGAL STANDARD**

18 The Local Rules of Practice in this District require that "[a] motion or stipulation to
19 extend any date set by the discovery plan, scheduling order, or other order must, in addition
20 to satisfying the requirements of LR IA 6-1, be supported by a showing of good cause for
21 the extension." LR 26-3. "A motion or stipulation to extend a deadline set forth in a
22 discovery plan must be received by the court no later than 21 days before the expiration of
23 the subject deadline." *Id.* "A request made within 21 days of the subject deadline must be
24 supported by a showing of good cause." *Id.*

25 "[C]ourts resolve" a "motion to amend the scheduling order" by referring to the
26 "good cause" standard outlined in Rule 16(b) of the Federal Rules of Civil
27 Procedure. *Chavez-Herrera v. Shamrock Foods Company*, Case No. 2:19-cv-01327-GMN-
28 BNW, 2024 WL 3718661, at *1 (D. Nev. May 13, 2024) (quoting *Johnson v. Mammoth*

1 *Recreations, Inc.*, 975 F.2d 604, 608 (9th Cir. 1992). “Rule 16(b)’s ‘good cause’ standard
2 primarily considers the diligence of the party seeking the amendment.” *Chavez-Herrera*,
3 2024 WL 3718661, at *1 (quoting *Mammoth Recreations, Inc.*, 975 F.2d at 609). Courts look
4 to whether the deadline set in the scheduling order “cannot reasonably be met despite the
5 diligence of the party seeking the amendment.” *Id.* Although prejudice to the opposing
6 party may also be considered, the focus of the inquiry is on the movant’s reasons for seeking
7 modification. *Id.* “If that party was not diligent, the inquiry should end.” *Id.*

8 “A motion or stipulation to extend time must state the reasons for the extension
9 requested and must inform the court of all previous extensions of the subject deadline the
10 court granted.” LR IA 6-1(a). “Immediately below the title of the motion or stipulation there
11 also must be a statement indicating whether it is the first, second, third, etc., requested
12 extension . . .” *Id.*

13 **III. STATEMENT OF GOOD CAUSE**

14 There is good cause to extend the Responsive Pleading deadline. The parties
15 continue discussing settlement terms, and the matter could potentially be settled without
16 further Court intervention. Extending the Responsive Pleading deadline for 30-days will
17 provide the parties with an opportunity to devote their time to these settlement
18 discussions, instead of litigating the underlying allegations of this lawsuit, after accounting
19 for the unforeseen change in Mr. Santacruz’s housing placement.

20 The parties believe this requested extension serves the interests of Fed. R. Civ. P. 1
21 as settlement of the matter would resolve the entirety of the lawsuit while preserving
22 resources of all stakeholders. There would be no prejudice to either party, as there is
23 agreement the requested extension is in the parties’ best interests.

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1 **IV. CONCLUSION**

2 Based on the foregoing, good cause exists, and the parties respectfully request that
3 this Court extend the Responsive Pleading deadline by 30 days. The new Responsive
4 Pleading deadline would be July 9, 2025.

5
6 DATED this 6th day of June, 2025.

DATED this 6th day of June, 2025

7 AARON D. FORD

8 Attorney General

9 /s/ Leo T. Hendges

10 LEO T. HENDGES (Bar No. 16034)
11 Senior Deputy Attorney General
Attorneys for Defendants

/s/ Ryan Norwood

RYAN NORWOOD (N. H. Bar No. 15604)
Assistant Federal Public Defender
Attorneys for Plaintiff

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13 **ORDER**

14 The Responsive Pleading Deadline listed in ECF No. 98 at 4:14-15 is hereby
15 extended 30 days and will now be due July 9, 2025.

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17 **IT IS SO ORDERED:**

18 DATED: June 10, 2025

19 
20 UNITED STATES MAGISTRATE JUDGE